

### **Remarks/Arguments**

Claims 20-25 were pending in the application. Claims 20-25 were rejected. No claims were withdrawn. No claims were merely objected to and no claims were allowed. By the foregoing amendment, no claims are canceled, claims 20, 22 and 24 are amended, and new claims 26-43 are added. Support for the claim amendments may at least be found at paragraphs [0016-29] and [0040-49] of the specification as originally filed. Support for new claims 26-43 may also be found at paragraphs [0016-29] and [0040-49] of the specification as originally filed, and the claims and drawings as originally filed. No new matter is presented.

#### Claim Rejections-35 U.S.C. §112

The examiner asserts claims 20-25 are rejected under 35 U.S.C. §112, second paragraph. Applicants traverse the rejection.

Applicants have amended claims 20, 22 and 24 to remove the indefinite and functional or operational language asserted by the Examiner. Applicants contend claims 20, 22 and 24 are no longer in a narrative form as asserted by the Examiner. Applicants contend the structure is organized and correlated in such a manner as to present a complete operative device.

Applicants do contend the claims as originally filed and previously amended did not each contain more than one sentence as erroneously asserted by the Examiner.

In light of the foregoing amendments, Applicants respectfully request the Examiner withdraw the rejection 35 U.S.C. §112, second paragraph and find claims 20-25 allowable.

#### Claim Rejections-35 U.S.C. §102

The examiner asserts claims 20-25 are rejected under 35 U.S.C. §102(b) as being anticipated by Figure 2 of U.S.P.N. 4,970,819 to Mayhak ("Mayhak"). Applicants traverse the rejection.

The Examiner relies upon the statements made in the prior Office action mailed August 16, 2007.

Applicants contend Mayhak does not teach, explicitly or inherently, each and every element recited in Applicants' amended claims 20, 22 and 24 or in new claims 26-43.

Applicants' amend and new claims recite in part the following: "a handle having a

pressure activated energy source”. Applicants contend Mayhak does not teach the use of a pressure activated energy source installed within the handle of the firearm taught therein. Mayhak does teach a grip pattern recognition means comprising a group of components including a source of power, such as a battery 27 (See col. 2, l. 65 - col. 3, l. 7). However, Mayhak does not teach the source of power is actuated by the pressure exerted by the gun owner’s grip to release a “trigger safety pin” as recited in Applicants’ claims. The pressure exerted by the gun’s owner refers to the “means for determining a plurality of levels of owner recognition”, that is, the “means for determining a first level of owner recognition”, “means for determining a second level of owner recognition” and “means for determining a third level of owner recognition”, as recited in Applicants’ amended claims 20, 22, 24 and new claims 26-43.

For at least these reasons, Applicants contend amended claims 20, 22 and 24, including dependent claims 21, 23 and 25, and new claims 26-43 are patentable and not anticipated by the teachings of Mayhak.

In light of the foregoing, Applicants respectfully request the examiner withdraw the rejection under 35 U.S.C. §102(b) and find claims 20-43 are allowable.

The examiner also asserts claims 20-23 are rejected under 35 U.S.C. §102(e) as being anticipated by paragraphs [0022-0026] of U.S.P.N. 7,168,198 to Newkirk (“Newkirk”). Applicants traverse the rejection.

The Examiner relies upon the statements made in the prior Office action mailed August 16, 2007.

Applicants contend Newkirk does not teach, explicitly or inherently, each and every element recited in Applicants’ amended claims 20 and 22 or in new claims 26-43.

Applicants’ amend and new claims recite in part the following: “a handle having a pressure activated energy source”. Applicants contend Newkirk does not teach the use of a pressure activated energy source installed within the handle of the firearm taught therein. In particular, Newkirk does not teach the source of power is actuated by the pressure exerted by the gun owner’s grip to release a “trigger safety pin” as recited in Applicants’ claims. The pressure exerted by the gun’s owner refers to the “means for determining a plurality of levels of owner

recognition”, that is, the “means for determining a first level of owner recognition”, “means for determining a second level of owner recognition” and “means for determining a third level of owner recognition”, as recited in Applicants’ amended claims 20 and 22 and new claims 26-43.

For at least these reasons, Applicants contend amended claims 20 and 22, including dependent claims 21 and 23, and new claims 26-43 are patentable and not anticipated by the teachings of Newkirk.

In light of the foregoing, Applicants respectfully request the examiner withdraw the rejection under 35 U.S.C. §102(e) and find claims 20-23 and 26-43 are allowable.

#### Claim Rejections-35 U.S.C. §103

The examiner asserts claims 24 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S.P.N. 7,168,198 to Newkirk. Applicants traverse the rejection.

Applicants reiterate their remarks with respect to the teachings of Newkirk with respect to Applicants’ claims 20-23 in the rejection under 35 U.S.C. §102(e).

The examiner asserts one of ordinary skill in the art would find it obvious to provide as many gauges as necessary to obtain more readings. Applicants’ amend and new claims recite in part the following: “a handle having a pressure activated energy source”. Applicants contend Newkirk does not teach, suggest or provide the requisite motivation to one of ordinary skill in the art to alter its teachings and teach the use of a pressure activated energy source installed within the handle of the firearm taught therein. In particular, Newkirk does not teach or suggest the source of power is actuated by the pressure exerted by the gun owner’s grip to release a “trigger safety pin” as recited in Applicants’ claims. The pressure exerted by the gun’s owner refers to the “means for determining a plurality of levels of owner recognition”, that is, the “means for determining a first level of owner recognition”, “means for determining a second level of owner recognition” and “means for determining a third level of owner recognition”, as recited in Applicants’ amended claims 20 and 22 and new claims 26-43. Furthermore, Applicants contend Newkirk does not provide the requisite motivation to one of ordinary skill in the art to alter its teachings in order to somehow incorporate a pressure activated power source actuated by the grip applied by the gun’s owner that in turn releases a trigger safety pin.

For at least these reasons, Applicants contend amended claim 24, including dependent claim 25, and new claims 26-43 are patentable and not obvious over the teachings of Newkirk.

In light of the foregoing, Applicants respectfully request the examiner withdraw the rejection under 35 U.S.C. §103(a) and find claims 24-43 are allowable.

### **CONCLUSION**

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the art of record and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

JOSE CARLOS ALBANO DE AMARANTE ET AL.

By /Ross J. Christie #47492/

Ross J. Christie

Attorney for Applicants

Reg. No.: 47,492

Telephone: 203-777-6628 x116

Telefax: 203-865-0297

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